

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1-7 have been cancelled and are replaced by new claims 8-14. Applicants would like to note that new claims 8-14 substantially correspond to amended claims 1-7 filed in International Patent Application No. PCT/IB2003/003836 corresponding to the subject application

The Examiner has rejected claims 1-3 and 7 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0004342 to Noda et al. The Examiner has further rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of U.S. Patent 5,040,164 to Liu. In addition, the Examiner has rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of U.S. Patent 6,088,203 to Nakamura et al.

The Noda et al. application discloses an optical disk driving device for use with optical disks having a tilt therein due to, for example, warpage. The device includes a clamber which applies a differential pressure to the inner and outer areas of an optical disk in order to correct any warpage of the optical disk.

The subject invention, as claimed in, for example, claim 8, is also for disks exhibiting warpage. However, instead of attempting to eliminate or correct any warpage of the optical disk, the subject invention increases the amount of tilt (or warpage) to a predetermined height difference (i.e., between an inner area of

the optical disk and an outer area thereof) which is greater than that found on any optical disk. As such, the resulting amount of tilt is a predetermined amount which is then easily compensated either mechanically or electronically by the apparatus of the subject invention.

Applicants therefore submit that Noda et al. neither discloses nor suggests "additional means for applying an end load on said outer area of said information carrier for setting a predetermined height difference between said inner area and said outer area, said predetermined height difference being greater than a height difference occurring in a circular information carrier".

The Liu patent discloses a record player having a turntable 3 rotatably mounted on a spindle 7. The record player includes a base plate 1 having a depressed portion 10 within which are mounted two opposing balance wheels 81 "for preventing slant or inclination of the centering spindle 7 caused by manually rotating the turntable 3".

The Examiner now states that Liu discloses "said additional means comprise a wheel rotating freely around a shaft interdependent with said apparatus, said wheel being intended to be in contact with the periphery of said information carrier when said information carrier is clamped in said turntable (Col. 2, Lines 54-68; see Fig. 1, element 81; see Fig. 3, element 81)."

Applicants believe that the Examiner is mistaken. In particular, as claimed in claim 11, the "wheel" is an embodiment of the "additional means" of claim 8 and therefore includes the

limitations thereof, i.e., "for applying an end load on said outer area of said information carrier for setting a predetermined height difference between said inner area and said outer area, said predetermined height difference being greater than a height difference occurring in a circular information carrier". As claimed in claim 11, "said wheel contacting said outer area of said information carrier, said contact defining a contact point projecting below or above said inner area thereby effecting said predetermined height difference".

Applicants submit that a careful review of Liu will show that Liu neither discloses nor suggests that the balancing wheel(s) contact the information carrier (i.e., the record 9 placed on the turntable). Rather, the balancing wheels are for preventing a tilting of the turntable. Further, Applicants submit that there is no disclosure that the balancing wheel(s) in contacting the information carrier or the turntable define "a contact point projecting below or above said inner area thereby effecting said predetermined height difference".

The Nakamura et al. patent discloses a three position magnetic head vertical movement device in which an actuator is movable along a guide shaft parallel to a radial direction of the turntable and/or the record carrier, and having an optical axis perpendicular to the radial direction of the record carrier. However, Applicants submit that Nakamura et al. does not supply that which is missing from Noda et al., i.e., "additional means for applying an end load on said outer area of said information carrier

for setting a predetermined height difference between said inner area and said outer area, said predetermined height difference being greater than a height difference occurring in a circular information carrier".

In view of the above, Applicants believe that the subject invention, as claimed in claims 8-14, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 8-14, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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